IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3106 of 2002

Between:

1 D.Appa Rao S/o Raghavaiah Chowdary,

aged about 75 years,
R/o Vanasthalipuram L.B.Nagar Municipal Area, RR.Dist
2 Indiranagar Residents Welfare Association, rep. by its President Kutumba Rao
Indiranagar L.B.Nagar Municipal Area, RR Dist

..... PETITIONERS

AND

1 Nallu Renuka W/o Indrasena Reddy,

aged about 38 years, Occ:Business,
H.No.8-2-93/2 Sriramnagar Colony
L.B.Nagar,RR Dist
2 Andhra Pradesh Industrial Infrastructure Corporation LTD
6th floor ,Parishrama Bhavan FatheMaidan Road, Hyderabad –004

rep. by its Vice-Chairman and Managing Director.
3 The Zonal Manager, Andhra Pradesh Industrial Infrastructure

Corporation Limited, Industrial Estate, Moulali,
Hyderabad
4 Asst zonal Manager, Andhra Pradesh Industrial infrastructure

Corporation Limited,
Autonagar, Hyderabad
5 M/s .Bharat Petroleum Corporation Ltd.,
S.D.Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus A) Declaring the action of the 2nd respondent in revising the layout Autonagar, L.B.Nagar, Ranga Reddy Dist, pushing the entire open spaces and parking spaces to one corner of the layout as contrary to Zonal Regulations and illegal and void; B) Declaring the action of the respondents in allotting Acres 1.20 of land to the 1st respondent by passing the established procedure of public auction that too of an area meant for common use even as per the revised layout of Autonagar, L.B.Nagar, Ranga Reddy District as illegal and void and consequently set aside the same and direct the 2nd respondent to develop a part in the said area; C) declaring that the allotment of retail outlet of petroleum products by the 5th respondent to the 1st respondent as illegal and void.

Counsel for the Petitioners:MR.A.RAMANARAYANA

Counsel for the Respondent No.1: Mr. T. Mahender Rao

Counsel for the Respondent Nos.2,3 and 4: MR.R.SUBBA RAO

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

None for the petitioners. Counsel for Respondent No.1 and Respondents 2 to 4 were present.

Petitioners filed this petition as “Public Interest Litigation” questioning the action of the respondents in revising the lay out of Autonagar, L.B. Nagar, Ranga Reddy District, thereby pushing the entire open spaces and parking spaces to one corner of lay out being contrary to Zonal Regulations and also to declare the action of respondents in allotting 1.20 acres of land to 1st respondent contrary to the established procedure of public auction, as illegal and void.

Petition has been contested by Respondents 1 to 4, who have filed two separate counter affidavits. None has put in appearance on behalf of the petitioners when the petition was taken up for hearing.

It has been brought to our notice that when Hyderabad Goods Transport Association, which also filed Writ Petition No. 21303 of 2001 questioning allotment of the land in question in favour of respondent No.1, the said writ petition was dismissed on 14.12.2001 by this Court. In the said decision, it was held that allotment of land had been made by following the due procedure of law.

The Hyderabad Urban Development Authority (for short 'HUDA') had approved the lay out plan of Auto Nagar on 8.7.1980. This plan was subsequently revised by HUDA on 27.9.2001. HUDA has not been made a party to the writ petition. Therefore, the very question raised in the writ petition challenging the revision of lay out in the absence of the party, which has done so, is mis-conceived. Petitioners are precluded from questioning the revision of lay out in the absence of the party against whom they are making the said grievance is not made a party to these proceedings. Otherwise, also, we find no merit in the writ petition in view of the fact that the question of allotment of land in favour of the 1st respondent was negatived in similar writ petition by this Court.

The writ petition is accordingly dismissed. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

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M. NARAYANA REDDY, J

Pnb

To

1. The Vice Chairman &Managing Director,

A.P Industrial Infrastructure Corporation LTD
6th floor ,Parishrama Bhavan FatheMaidan Road Hyderabad -004
2 The Zonal Manager (APIIC Ltd.,)
Industrial Estate, Moulali,
Hyderabad.
3 The Assistant zonal Manager (A.P. Industrial infrastructure Corporation

Ltd), Autonagar, Hyderabad.

4 Two C.D. copies